REPORT TO COUNCIL
City of Sacramento

915 I Street, Sacramento, CA 95814-2671
www. CityofSacramento.org

CONSENT
September 12, 2006

Honorable Mayor and
Members of the City Council

Title: Summary Vacation of a Segment of 7th Street bounded by "E" Street and the alley between "E" Street and "F" Street located in Council District 1

Location/Council District: Segment of 7th Street bounded by "E" Street and the alley between "E" Street and "F" Street located in Council District 1 (Attachment 2, Page 5)

Recommendation: Adopt the attached **Resolution** vacating the segment of 7th Street bounded by "E" Street and the alley between "E" Street and "F" Street subject to the conditions in the Resolution and reserving to the City a public service easement over the segment of 7th Street that is vacated.

Contact: Jerry Lovato, Senior Engineering Technician, (916) 808-7918;Thomas Adams, Engineering Technician, (916) 808-7929

Presenters: Not Applicable

Department: Development Services

Division: Development Engineering

Organization No: 4881

Description/Analysis

Issue: The 700 E Street Building Partnership has requested the vacation of a segment of 7th Street located between E Street and the alley between E Street and F Street. The 700 E Street Building Partnership owns the property adjacent to the segment of 7th Street proposed for vacation.

Policy Considerations: The Council action recommended in this report supports the City Strategic Plan goal to "promote and support economic vitality."

Committee/Commission Action: None

Environmental Considerations: The Development Services Department, Environmental Planning Services Division reviewed this project and determined that the activity is exempt from the provisions of CEQA (California Environmental Quality Act) under Section 15035 of the CEQA Guidelines. Where a project consists of minor alterations of land use limitations in areas

with an average slope of less than 20%, which do not result in any changes in the land use density, it is exempt.

Rationale for Recommendation: The segment of 7th Street proposed for vacation is an excess of right-of-way and not required for street purposes.

Financial Considerations: The applicant is responsible for all fees required to process the vacation application and therefore there is no cost to the City.

Emerging Small Business Development (ESBD): None

Respectfully Submitted by: _____
Edward Williams
Manager, Development Engineering

Respectfully Submitted by: _____
William Thomas
Director of Development Services Department

Recommendation Approved:

_____
for RAY KERRIDGE
City Manager

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Attachment 1

Background

The Summary Vacation of segment of 7th Street located between "E" Street and the Alley between "E" Street and "F" Street

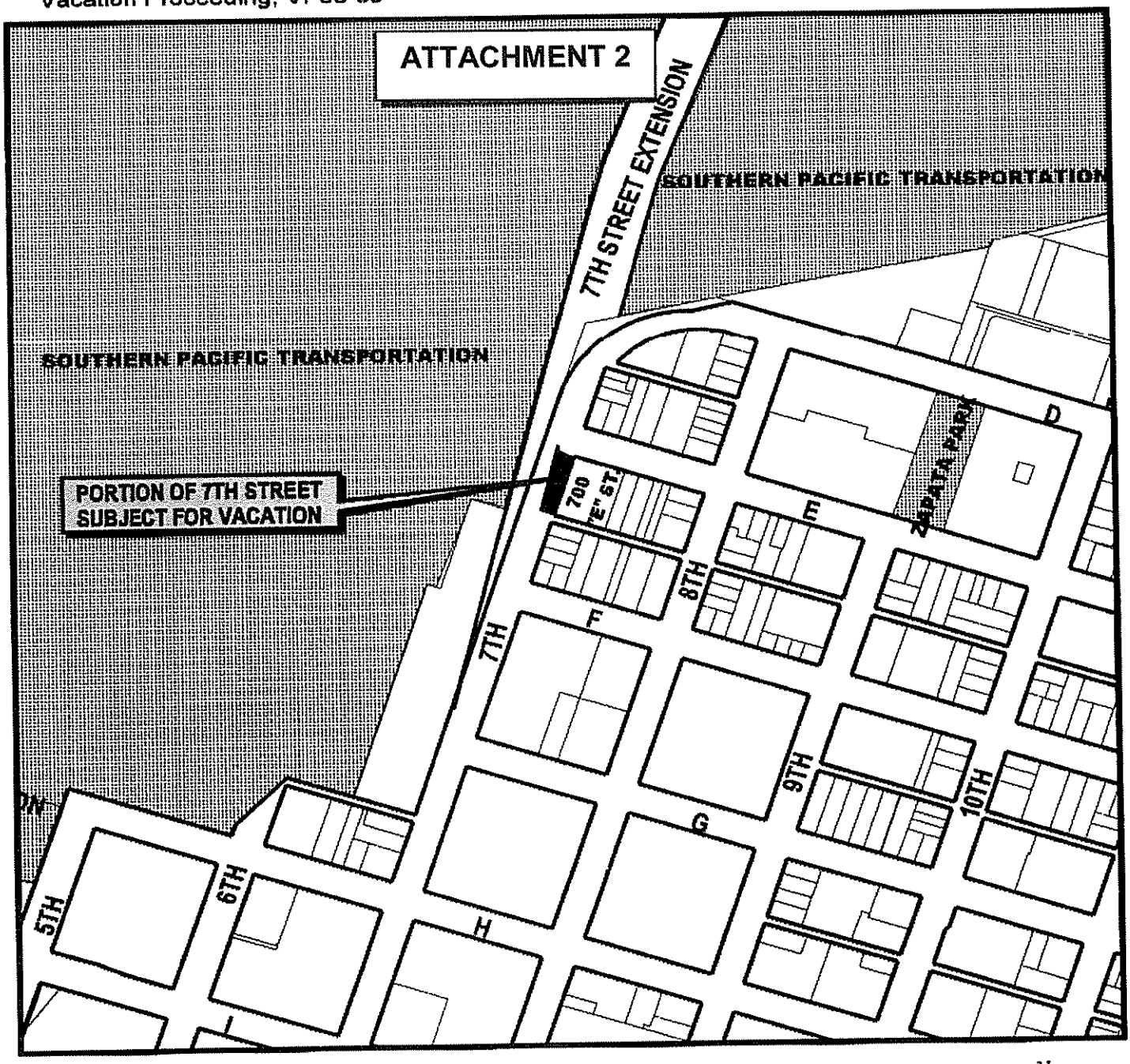
The 700 E Street Building Partnership, owner of the property adjacent to the segment of 7th Street proposed for vacation, requested this vacation proceeding. The segment of 7th Street proposed for vacation is an excess of right-of-way, not required for street purposes, and serves only as a driveway and dead ends to the parking lot of the property owned by 700 E Street Building Partnership. The configuration of this segment of 7th Street is the result of the re-alignment of the 7th Street extension. 700 E Street Building Partnership reported to the City that there are numerous unsafe driving maneuvers by the public on this segment of 7th Street. Drivers mistakenly think that the subject street is a through street, resulting in the drivers making a u-turn onto the parking lot of the 700 E Street property and often times driving over the sidewalk and the curb onto the new 7th Street extension. The City investigated this report and found that the subject street only serves the 700 E Street property, and this street does not connect streets nor is it currently a part of the area traffic circulation.

To address the unsafe driving occurrences on this street and to control access by the public, the City suggested to the owner of the 700 E Street property to apply for the vacation of the public road right-of-way of this street. With the vacation of the public road right-of-way of this street, this street will become private. Vehicle access to this street will be restricted to the owners and their affiliates, City agencies, utility companies and emergency personnel. The owner will install a "Private Property" sign at the entrance on E Street. The owner plans to install bollards at the end of this street along the 7th Street extension and the alley to prevent cars from driving over the curb and sidewalk. Public service easements will be retained on this street and the owner will retain the existing pedestrian sidewalk easement for public use.

Staff finds that this request for vacation is in conformance with the State of California Streets and Highways Code (S&HC) Section 8334 because this alley is an excess right-of-way not required for street or highway purposes. Staff recommends that the City Council approve this vacation request. Various City agencies and utility companies reviewed and support this vacation.

Following vacation, the title to the subject property is cleared of the public road right-of-way.

Vacation Proceeding, VP05-09



SUMMARY VACATION, VP05-09
Portion of 7th Street between "E" Street and the Alley between "E" Street and "F" Street

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DEVELOPMENT SERVICES DEPARTMENT

Attachment 3

RESOLUTION NO.

Adopted by the Sacramento City Council

RESOLUTION SUMMARILY VACATING A SEGMENT OF 7TH STREET LOCATED BETWEEN "E" STREET AND THE ALLEY BETWEEN "E" STREET AND "F" STREET LOCATED IN COUNCIL DISTRICT 1

VACATION PROCEEDING NO. VP05-09

BACKGROUND

A. "700 E Street Building Partnership" requested that the City vacate the segment of 7th Street located between E Street and the alley between E Street and F Street located within the City of Sacramento.

B. The City of Sacramento Planning Director reviewed this vacation proceeding pursuant to Sacramento City Code 2.112.080 and State of California Government Code Section 65402 and concluded that this vacation is consistent with the City's General Plan and applicable Community Plan.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. Subject to the reservation below in Section 2, the segment of 7th Street located between E Street and the alley between E Street and F Street, Sacramento, more specifically described in Exhibit A and Exhibit B of this resolution is hereby ordered vacated subject to the conditions specified in Section 5.

Section 2. Pursuant to Streets and Highways Code Section 8306 an 8340, the City reserves a public service easement in the segment of 7th Street located between E Street and the alley between E Street and F Street, Sacramento more specifically described in Exhibit A and B of this resolution for all the purposes and reasons described in Streets and Highways Code Sections 8306 and 8340 including, but not limited to, the right at any time, or from time to time, to construct, maintain, operate, replace, remove, or renew any public service facilities in, upon, or over and across the subject property to be vacated. Also, the right to keep the property free from flammable materials and wood growth, and otherwise protect the same from all hazards, in, upon, over and across the portion of the subject property to be vacated.

Section 3. The vacation of the segment of 7th Street bounded by E Street and the alley between E Street and F Street is made pursuant to State of

California Streets and Highways Code, Division 9, Part 3, Chapter 4. Pursuant to California Streets and Highways Code Section 8334, the City Council finds that the segment of 7th Street bounded by E Street and the alley between E Street and F Street is an excess right-of-way not required for street purposes.

Section 4. The City Council finds that said vacation has been submitted to and reported on by the City's Planning Division and finds that the said vacation is consistent with the City's General Plan and applicable Community Plan.

Section 5. This vacation is subject to the following conditions:

a) No fence, wall, or closure structure shall be constructed within the vacated area; however, bollards may be placed along the back of the curb of the 7th Street Extension between the southerly end of the retaining wall and the alley. These bollards shall be removable by emergency personnel.

b) Any locking mechanism to restrict access to the vacated area shall be equipped with Knox (emergency responder lock) to the satisfaction of the Fire Department.

c) The applicant shall dedicate a pedestrian and bicycle access easement within the vacated area to the satisfaction of the Department of Transportation and Development Services Department.

d) The applicant shall accept Union Pacific Railroad's quitclaim of it's interest in that portion of the vacated area west of the centerline of the subject 7th Street. The form of quitclaim used would need to be approved by the Union Pacific Railroad legal department, or originate from the Union Pacific Railroad's law department.

Section 6. The conditions specified in Section 5 of this resolution must be completed within two years of the date of this resolution. If all conditions are not completed within the two years specified, this resolution approving the vacation shall become void, unless the City Council grants one or more time extensions.

Section 7. Once the conditions in Section 5 are met, the City Clerk shall cause a certified copy of this resolution, attested by the City Clerk under seal, to be recorded. The vacation shall be effective when the City Clerk records this resolution with the County Recorder.

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Exhibit A: Legal Description
Exhibit B: Exhibit Plat/Map

City of Sacramento
7th and E Street Sidewalk Easement
May 11, 2005
Page 1 of 1

EXHIBIT "A"
LEGAL DESCRIPTION

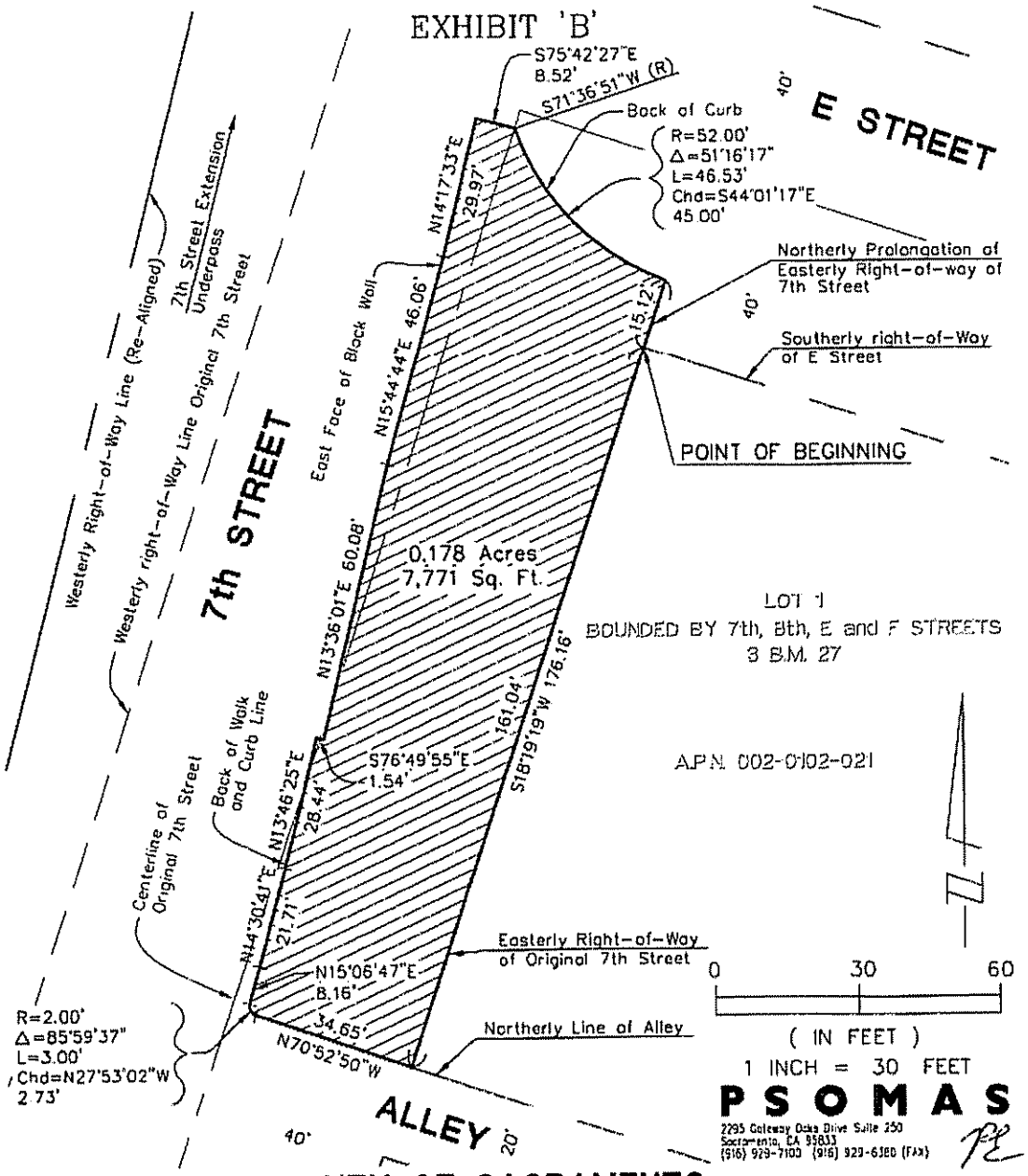
All that real property situated in the City of Sacramento, County of Sacramento, State of California, being a portion of 7th Street and E Street, as said Streets are shown on that certain plat entitled "Official Plat of The City of Sacramento", filed in Book 3 of Maps, at Page 27, Sacramento County Records, said real property being described as follows:

BEGINNING at the intersection of the easterly right-of-way line of said 7th Street and the southerly right-of-way line of said E Street; thence southerly along said easterly right-of-way line South 18°19'19" West 161.04 feet to the intersection of said right-of-way line with the northerly line of the alley bounded by E, F, 7th and 8th Streets as shown on said plat; thence leaving said easterly right-of-way line North 70°52'50" West 8.00 to the intersection with a line which is parallel to, and 8.00 feet westerly, measured at right angles, from said easterly right-of-way line; thence along said parallel line North 18°19'19" East 176.96 feet to the beginning of a non-tangent curve concave northeasterly having a radius of 52.00 feet, to which point a radial line bears South 29°13'22" West; thence southeasterly along said curve through a central angle of 08°52'48" an arc distance of 8.06 feet (said curve being subtended by a chord which bears South 65°13'02" East 8.05 feet) to a point on the northerly prolongation of said easterly right-of-way line; thence along said northerly prolongation South 18°19'19" West 15.12 feet to the point of beginning, containing 1,412 square feet or 0.032 acres, more or less.

All distances cited herein are California Coordinate System, Zone 2 (NAD 83) ground distances; multiply ground distances by 0.9999546 to obtain grid distances.

End of Description

PROFESSIONAL LAND SURVEYOR
PAUL J. ENNEKING
No. 4868
Exp. 4-30-06
STATE OF CALIFORNIA



CITY OF SACRAMENTO

7TH STREET - PUBLIC STREET EASEMENT ABANDONMENT

CITY OF SACRAMENTO COUNTY OF SACRAMENTO STATE OF CALIFORNIA